

JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

THIRTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Friday, March 8, 2013

The Senate convened at 10:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Reverend Paul Bly, followed by the Pledge of Allegiance led by Senate page Joshua Utterback.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirty-sixth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

Sen. Olson moved that the Senate do now recess until 1:00 p.m., which motion prevailed and at 10:21 a.m., the Senate recessed.

RECESS

The Senate reconvened at 1:00 p.m., the President presiding.

COMMUNICATIONS AND PETITIONS

March 8, 2013

Mr. President and Members of the Senate:

I have the honor to inform you that on March 8, 2013, I approved Senate Bills 6, 74, 96, 119, 130, 133, 139, 145, 156, 168, 174, 181, 199, 205, 227, and 239, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Dennis Daugaard
Governor

REPORT OF CONFERENCE COMMITTEE

cc90A

MR. PRESIDENT:

The Conference Committee respectfully reports that it has considered SB 90 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that SB 90 be amended as follows:

90mm

On page 1 of the House engrossed bill, delete lines 4 to 15, inclusive.

On page 2, delete lines 1 to 19, inclusive.

On page 5, between lines 13 and 14, insert:

"Section 10. That section 14 of chapter 30 of the 2012 Session Laws be amended to read as follows:

1 BOARD OF REGENTS

2 (3) ~~Employee Compensation and Health Insurance~~

3 Personal Services, General Funds, delete "\$0" and insert "\$2,000,000"

4 Adjust all totals accordingly.

5 Section 11. That section 14 of chapter 30 of the 2012 Session Laws be amended by adding
6 a NEW SECTION to read as follows:

7 BOARD OF REGENTS

8 (8A) Nonrecurring Agricultural Experiment Station Research Pool

9 Personal Services \$0 \$0 \$0 \$0

10 Operating Expenses \$500,000 \$0 \$0 \$500,000

11 TOTAL \$500,000 \$0 \$0 \$500,000

12 F.T.E. 0.0

13 Adjust all totals accordingly.

14 Section 12. That chapter 30 of the 2012 Session Laws be amended by adding a NEW
15 SECTION to read as follows:16 The state treasurer shall transfer to the boxing commission fund, ninety-five thousand
17 dollars (\$95,000) from the state general fund.18 Section 13. That section 6 of chapter 41 of the 2012 Session Laws be amended to read as
19 follows:20 Section 6. ~~The funds in section 7 of this Act which are unspent at the end of fiscal year 2012~~
21 ~~may be carried over to the next fiscal year~~ provisions of § 4-8-19 do not apply to the funds in
22 section 7 of this Act."23 On page 5, line 17, delete "three million six hundred thousand dollars (\$3,600,000)" and
24 insert "two million dollars (\$2,000,000)".

25 On page 5, line 18, delete "by section 3 of" and insert "in"

26 On page 5, between lines 19 and 20, insert:

27 "Section 12. The sum of nine hundred eighty-three thousand six hundred forty-nine dollars
28 (\$983,649) in the general fund on June 30, 2013, shall be obligated and committed for the
29 purposes of future appropriations in FY2014. The provisions of §§ 4-7-32 and 4-7-39 do not
30 apply to these funds.31 Section 13. Notwithstanding section 145 of HB 1060 as previously enacted by the Eighty-
32 Eighth Legislature, up to twenty million dollars (\$20,000,000) in general funds appropriated in
33 subsection (3) of section 8 of chapter 30 of the 2012 Session Laws which are unspent at the end
34 of fiscal year 2013 may be carried over to fiscal year 2014 for medical and adult services. Any

1 additional unspent general funds shall revert in accordance with chapter 4-8. Federal and other
2 funds appropriated in subsection (3) of section 8 of chapter 30 of the 2012 Session Laws which
3 are unspent at the end of fiscal year 2013 may be carried over to fiscal year 2014 for medical
4 and adult services."

5 90mte

6 On page 1, line 1, of the House engrossed bill, delete everything after "Act to" and insert
7 "revise the General Appropriations Acts for fiscal years 2012 and 2013."

8 On page 1, delete line 2.

9 Respectfully submitted,
10 Dean Wink
11 House Committee Chair

Respectfully submitted,
Deb Peters
Senate Committee Chair

12 **MESSAGES FROM THE HOUSE**

13 MR. PRESIDENT:

14 I have the honor to inform your honorable body that the House has appointed
15 Reps. Gosch, Lust, and Bernie Hunhoff as a committee of three on the part of the House to meet
16 with a like committee on the part of the Senate pertaining to fixing the time of adjournment sine
17 die for the Eighty-eighth Legislative Session.

18 Also MR. PRESIDENT:

19 I have the honor to inform your honorable body that the House has appointed
20 Reps. Gosch, Lust, and Bernie Hunhoff as a committee of three on the part of the House to meet
21 with a like committee on the part of the Senate to wait upon his Excellency, the Governor, to
22 inform him that the Legislature has completed its labors, is ready to adjourn sine die, and to
23 ascertain if he has any further communications to make to the Legislature.

24 Also MR. PRESIDENT:

25 I have the honor to inform your honorable body that the House has adopted the report of
26 the Conference Committee on SB 90.

27 Also MR. PRESIDENT:

28 I have the honor to inform your honorable body that the House has failed to adopt the
29 report of the Conference Committee on SB 159 and no new committee was appointed.

1 Also MR. PRESIDENT:

2 I have the honor to inform your honorable body that the House has failed to adopt the
3 report of the Conference Committee on SB 155 and no new committee was appointed.

4 Also MR. PRESIDENT:

5 I have the honor to inform your honorable body that the House has adopted the reports of
6 the Conference Committees on SB 76, 195, and 235.

7 Respectfully,
8 Arlene Kvislen, Chief Clerk

9 **MOTIONS AND RESOLUTIONS**

10 SENATE PAGE RESOLUTION 5 Introduced by: Senators Adelstein; Begalka; Bradford;
11 Brown; Buhl; Ewing; Frerichs; Heineman, Phyllis; Holien; Hunhoff, Jean; Jensen; Johnston;
12 Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup, Al; Olson, Russell;
13 Omdahl; Otten, Ernie; Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;
14 Van Gerpen; Vehle; Welke; White

15 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Eighty-eighth
16 Legislature of the State of South Dakota to Josiah Aberson, Frae Binder, Garrett Keegan,
17 Natasha Schamens, Cody Stoltenburg, Joshua Utterback

18 WHEREAS, the above named served loyally as pages for the Senate of the Eighty-eighth
19 Legislative Session; and

20 WHEREAS, the members of the Eighty-eighth Senate express their most sincere
21 appreciation to these young people for their service to the state; and

22 WHEREAS, the members extend to these young people their wishes for every success in
23 life:

24 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-eighth Legislature
25 of the State of South Dakota, that a personal copy of this resolution be duly certified and
26 furnished to each page on this last day of service.

27 Sen Kirkeby moved that Senate Page Resolution 5 be adopted.

28 The question being on Sen. Kirkeby's motion the Senate Page Resolution 5 be adopted.

29 And the roll being called:

1 Yeas 35, Nays 0, Excused 0, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
4 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
5 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
6 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 So the motion having received an affirmative vote of a majority of the members-elect, the
8 President declared the motion carried.

9 Sen. Olson moved that a committee of three on the part of the Senate be appointed to meet
10 with a like committee on the part of the House to wait upon his Excellency, the Governor, to
11 inform him that the Legislature has completed its labors and is ready to adjourn sine die and to
12 ascertain if he has any further communications to make to the Legislature.

13 Which motion prevailed and the President announced as such committee Sens. Olson,
14 Rave, and Frerichs.

15 Sen. Olson moved that a committee of three on the part of the Senate be appointed to meet
16 with a like committee on the part of the House to fix the time of adjournment sine die for the
17 Eighty-eighth Legislative Session.

18 Which motion prevailed and the President announced as such committee Sens. Olson,
19 Rave, and Frerichs.

20 **CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES**

21 Sen. Peters moved that the report of the Conference Committee on SB 90 as found on page
22 738 of the Senate Journal be adopted.

23 The question being on Sen. Peters' motion that the report of the Conference Committee on
24 SB 90 be adopted.

25 And the roll being called:

26 Yeas 33, Nays 2, Excused 0, Absent 0

27 Yeas:

28 Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);
29 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
30 Olson (Russell); Omdahl; Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton; Tidemann;
31 Tieszen; Van Gerpen; Vehle; Welke; White

1 Nays:

2 Adelstein; Otten (Ernie)

3 So the motion having received an affirmative vote of a majority of the members-elect, the
4 President declared the motion carried and the report was adopted.

5 Sen. Krebs moved that the report of the Conference Committee on SB 155 as found on
6 page 733 of the Senate Journal be adopted.

7 Sen. Brown moved as a substitute motion that the Senate do not adopt the report of the
8 Conference Committee on SB 155 as found on page 738 of the Senate Journal and do not
9 appoint a new committee.

10 The question being on Sen. Brown's substitute motion to not adopt the report of the
11 Conference Committee on SB 155 and to not appoint a new committee.

12 And the roll being called:

13 Yeas 27, Nays 0, Excused 8, Absent 0

14 Yeas:

15 Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Holien; Hunhoff (Jean); Jensen; Johnston;
16 Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell); Omdahl; Otten (Ernie);
17 Rampelberg; Rave; Rhoden; Soholt; Tieszen; Vehle; Welke; White

18 Excused:

19 Adelstein; Heineman (Phyllis); Jones; Novstrup (Al); Peters; Sutton; Tidemann; Van Gerpen

20 So the motion having received an affirmative vote of a majority of the members-elect, the
21 President declared the motion carried, the report was not adopted, and no new committee was
22 appointed.

23 Sen. White moved that the report of the Conference Committee on SB 159 as found on
24 page 733 of the Senate Journal be adopted.

25 Sen. Brown moved as a substitute motion that the Senate do not adopt the report of the
26 Conference Committee on SB 159 as found on page 733 of the Senate Journal and do not
27 appoint a new committee.

28 The question being on Sen. Brown's substitute motion to not adopt the report of the
29 Conference Committee on SB 159 and to not appoint a new committee.

30 And the roll being called:

1 Yeas 27, Nays 0, Excused 8, Absent 0

2 Yeas:

3 Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Holien; Hunhoff (Jean); Jensen; Johnston;
4 Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell); Omdahl; Otten (Ernie);
5 Rampelberg; Rave; Rhoden; Soholt; Tieszen; Vehle; Welke; White

6 Excused:

7 Adelstein; Heineman (Phyllis); Jones; Novstrup (Al); Peters; Sutton; Tidemann; Van Gerpen

8 So the motion having received an affirmative vote of a majority of the members-elect, the
9 President declared the motion carried, the report was not adopted, and no new committee was
10 appointed.

11 Sen. Rhoden moved that the report of the Conference Committee on SB 195 as found on
12 page 732 of the Senate Journal be adopted.

13 The question being on Sen. Rhoden's motion that the report of the Conference Committee
14 on SB 195 be adopted.

15 And the roll being called:

16 Yeas 25, Nays 2, Excused 8, Absent 0

17 Yeas:

18 Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Holien; Hunhoff (Jean); Jensen; Johnston;
19 Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Olson (Russell); Rampelberg; Rave;
20 Rhoden; Soholt; Tieszen; Vehle; Welke

21 Nays:

22 Omdahl; Otten (Ernie)

23 Excused:

24 Adelstein; Heineman (Phyllis); Novstrup (Al); Peters; Sutton; Tidemann; Van Gerpen; White

25 So the motion having received an affirmative vote of a majority of the members-elect, the
26 President declared the motion carried and the report was adopted.

27 Sen. Maher moved that the report of the Conference Committee on HB 1123 as found on
28 page 722 of the Senate Journal be adopted.

29 The question being on Sen. Maher's motion that the report of the Conference Committee
30 on HB 1123 be adopted.

1 And the roll being called:

2 Yeas 18, Nays 8, Excused 9, Absent 0

3 Yeas:

4 Begalka; Bradford; Brown; Ewing; Frerichs; Jensen; Johnston; Kirkeby; Krebs; Lederman;
5 Lucas; Maher; Olson (Russell); Otten (Ernie); Rave; Rhoden; Soholt; Vehle

6 Nays:

7 Buhl; Holien; Hunhoff (Jean); Monroe; Omdahl; Rampelberg; Tieszen; Welke

8 Excused:

9 Adelstein; Heineman (Phyllis); Jones; Novstrup (Al); Peters; Sutton; Tidemann; Van Gerpen;
10 White

11 So the motion not having received an affirmative vote of a two-thirds majority of the
12 members-elect, the President declared the motion lost.

13 Sen. Olson announced his intention to reconsider the vote by which HB 1123 lost.

14 There being no objection, the Senate reverted to Order of Business No. 5.

15 **REPORT OF STANDING COMMITTEE**

16 MR. PRESIDENT:

17 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
18 and Enrolling has carefully compared SB 76 and 235 and finds the same correctly enrolled.

19 Respectfully submitted,
20 Corey Brown, Chair

21 **SIGNING OF BILLS**

22 The President publicly read the title to

23 SB 5: FOR AN ACT ENTITLED, An Act to establish the public purpose and goals of
24 postsecondary education, to provide for the funding of higher education, and to create the
25 Council on Higher Education Policy Goals, Performance, and Accountability.

- 1 SB 15: FOR AN ACT ENTITLED, An Act to provide for expenditures for early learning
2 services from the special education fund, and to revise certain provisions regarding state aid to
3 special education.
- 4 SB 28: FOR AN ACT ENTITLED, An Act to revise the property tax levies for the general
5 fund of a school district.
- 6 SB 39: FOR AN ACT ENTITLED, An Act to establish a penalty for a juvenile convicted
7 as an adult of a Class A or B felony and allow a sentence of up to life imprisonment after a
8 sentencing hearing.
- 9 SB 51: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
10 application of the collection allowance credit for collecting the sales tax.
- 11 SB 59: FOR AN ACT ENTITLED, An Act to prohibit the disposal of certain oil and gas
12 field wastes.
- 13 SB 76: FOR AN ACT ENTITLED, An Act to revise certain reversion provisions relating
14 to funding in the Governor's Office of Economic Development for the purpose of enhancing
15 military value of Ellsworth Air Force Base, and to declare an emergency.
- 16 SB 90: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Acts for
17 fiscal years 2012 and 2013.
- 18 SB 106: FOR AN ACT ENTITLED, An Act to prohibit certain minors from using wireless
19 communication devices while operating motor vehicles upon the public highways.
- 20 SB 143: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
21 informational directional signing on the interstate right-of-way.
- 22 SB 195: FOR AN ACT ENTITLED, An Act to revise the distribution of the wind energy
23 tax.
- 24 SB 200: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
25 campaign finance.
- 26 SB 206: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to liability
27 and to worker's compensation and disability payments for law enforcement officers performing
28 duties in other jurisdictions.
- 29 SB 233: FOR AN ACT ENTITLED, An Act to create the critical teaching needs
30 scholarship program, to make an appropriation to the education enhancement trust fund to
31 provide for the annual funding of the scholarships, and to declare an emergency.
- 32 SB 235: FOR AN ACT ENTITLED, An Act to create the building South Dakota fund and
33 certain other funds and programs to enhance economic development and education, to make
34 certain deposits and transfers, to make continuous appropriations, to revise certain education

1 funding to support economic development, to make an appropriation therefor, and to declare
2 an emergency.

3 SB 236: FOR AN ACT ENTITLED, An Act to appropriate money to the Board of Regents
4 to fund the expansion of information systems programs and cyber security programs at Dakota
5 State University, and to declare an emergency.

6 SB 237: FOR AN ACT ENTITLED, An Act to appropriate funds for deposit into the need-
7 based grant fund, to provide for annual funding of the need-based grant fund with a portion of
8 the funds received from the education enhancement trust fund, and to declare an emergency.

9 HB 1030: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
10 Authority to finance the construction of improvements in the state park system for the
11 Department of Game, Fish and Parks and to declare an emergency.

12 HB 1033: FOR AN ACT ENTITLED, An Act to authorize the Department of Social
13 Services to dismantle, demolish, preserve, or rehabilitate buildings on the Human Services
14 Center campus in Yankton, South Dakota, to make an appropriation therefor, and to declare an
15 emergency.

16 HB 1045: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
17 alternative apportionment methods available for determination of the bank franchise tax.

18 HB 1050: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related
19 to the suppression of mountain pine beetles, to establish a cost share program with the counties
20 in the state, and to declare an emergency.

21 HB 1060: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act
22 for fiscal year 2013.

23 HB 1068: FOR AN ACT ENTITLED, An Act to repeal certain provisions relating to the
24 deferral of action by municipalities on committee reports.

25 HB 1085: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
26 notice given to municipalities and counties for bingo games and lotteries.

27 HB 1096: FOR AN ACT ENTITLED, An Act to provide for the transfer and appropriation
28 of funds upon the occurrence of certain events and to assist rural counties in the recruitment of
29 attorneys.

30 HB 1098: FOR AN ACT ENTITLED, An Act to require the Legislature to approve bonds
31 for lease purchase agreements with the four postsecondary technical institutes, and to approve
32 bonds for lease purchase agreements with Western Dakota Technical Institute and Southeast
33 Technical Institute.

34 HB 1122: FOR AN ACT ENTITLED, An Act to revise certain requirements relating to
35 health insurance plans for county officers and employees.

1 HB 1137: FOR AN ACT ENTITLED, An Act to impact education in South Dakota, to
2 make an appropriation therefor, and to declare an emergency.

3 HB 1164: FOR AN ACT ENTITLED, An Act to establish a classroom innovation grant
4 program and to make an appropriation therefor.

5 HB 1165: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
6 agricultural land task force.

7 HB 1168: FOR AN ACT ENTITLED, An Act to increase certain levies relating to predator
8 control districts.

9 HB 1171: FOR AN ACT ENTITLED, An Act to exempt certain property from bankruptcy
10 levy.

11 HB 1184: FOR AN ACT ENTITLED, An Act to make an appropriation to the Department
12 of Game, Fish and Parks to fund certain improvements to the state park system.

13 HB 1212: FOR AN ACT ENTITLED, An Act to increase the expense allowances of
14 legislators.

15 HB 1220: FOR AN ACT ENTITLED, An Act to permit the use of golf carts under certain
16 circumstances within state parks or recreation areas.

17 HB 1233: FOR AN ACT ENTITLED, An Act to grant limited immunity for the provision
18 of voluntary medical services under certain circumstances.

19 HB 1234: FOR AN ACT ENTITLED, An Act to provide a limited exception to the
20 provisions that exempt sport shooting ranges from the public nuisance laws and to declare an
21 emergency.

22 And signed the same in the presence of the Senate.

23 Sen. Rhoden moved that the Senate do now recess until 5:30 p.m., which motion prevailed
24 and at 2:12 p.m., the Senate recessed.

25 **RECESS**

26 The Senate reconvened at 5:48 p.m., the President presiding.

27 There being no objection, the Senate reverted to Order of Business No. 5.

1 Sen. Olson moved that the Senate do now reconsider the vote by which the motion to adopt
2 the Conference Committee report on HB 1123 lost.

3 The question being on Sen. Olson's motion to reconsider the vote by which the motion to
4 adopt the Conference Committee report on HB 1123 lost.

5 And the roll being called:

6 Yeas 32, Nays 3, Excused 0, Absent 0

7 Yeas:

8 Adelstein; Begalka; Brown; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean);
9 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);
10 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Sutton;
11 Tidemann; Tieszen; Van Gerpen; Vehle; White

12 Nays:

13 Bradford; Buhl; Welke

14 So the motion having received an affirmative vote of a majority of the members-elect, the
15 President declared the motion carried and the motion to adopt the Conference Committee report
16 on HB 1123 was up for reconsideration and final passage..

17 **CONSIDERATION OF REPORT OF CONFERENCE COMMITTEE**

18 Sen. Maher moved that the report of the Conference Committee on HB 1123 as found on
19 page 722 of the Senate Journal be adopted.

20 The question being on Sen. Maher's motion that the report of the Conference Committee
21 on HB 1123 be adopted.

22 And the roll being called:

23 Yeas 34, Nays 1, Excused 0, Absent 0

24 Yeas:

25 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
26 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
27 Novstrup (Al); Olson (Russell); Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
28 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

29 Nays:

30 Omdahl

So the motion having received an affirmative vote of a two-thirds majority of the members-elect, the President declared the motion carried and the report was adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1185: FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the expenses of state institutions, interest on the public debt, and for common schools.

Was read the first time.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1185: FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the expenses of state institutions, interest on the public debt, and for common schools.

Was read the second time.

1185mam

Sen. Sutton moved that HB 1185 be amended as follows:

On page 10, of the House Appropriations engrossed bill, between lines 46 and 47, insert:

"(1A) Nonrecurring Provider Allocation

Personal Services	\$0	\$0	\$0	\$0
Operating Expenses	\$2,097,960	\$2,482,739	\$0	\$4,580,699
TOTAL	\$2,097,960	\$2,482,739	\$0	\$4,580,699
F.T.E.				0.0

The moneys appropriated by this subsection shall be distributed to long term care providers, community mental health providers, and community support to providers on a nonrecurring basis.

Adjust all totals accordingly."

On page 17, between lines 7 and 8, insert:

"(3) Nonrecurring State Aid to Education

Personal Services	\$0	\$0	\$0	\$0
Operating Expenses	\$2,097,959	\$0	\$0	\$2,097,959

1	TOTAL	\$2,097,959	\$0	\$0	\$2,097,959
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2 The moneys appropriated by this subsection shall be distributed to school districts based on the
3 actual FY 12 fall enrollment.

4 Adjust all totals accordingly."

5 On page 21, line 47, INCREASE Operating Expenses GENERAL FUNDS \$21,000

6 On page 26, line 10, DECREASE Appropriation GENERAL FUNDS \$500,000

7 On page 30, delete lines 1 and 2, inclusive.

8 1185xa

9 Sen. Welke moved that Sen. Sutton's amendment to HB 1185 be amended as follows:

10 On the pending amendment (1185mam), in the last instruction, delete "lines 1 and 2" and
11 insert "lines 3 and 4".

12 Which motion prevailed.

13 Sen. Sutton requested a roll call vote.

14 Which request was supported.

15 The question being on Sen. Sutton's motion that HB 1185 be amended.

16 And the roll being called:

17 Yeas 8, Nays 27, Excused 0, Absent 0

18 Yeas:

19 Adelstein; Bradford; Buhl; Frerichs; Jones; Lucas; Sutton; Welke

20 Nays:

21 Begalka; Brown; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston;
22 Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten
23 (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Tidemann; Tieszen; Van Gerpen; Vehle;
24 White

25 So the motion not having received an affirmative vote of a majority of the members
26 present, the President declared the motion lost.

1 The question being "Shall HB 1185 pass as amended?"

2 And the roll being called:

3 Yeas 31, Nays 4, Excused 0, Absent 0

4 Yeas:

5 Adelstein; Begalka; Bradford; Brown; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean);
6 Jensen; Johnston; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson
7 (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt; Sutton;
8 Tidemann; Tieszen; Van Gerpen; Vehle; White

9 Nays:

10 Buhl; Frerichs; Jones; Welke

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill passed and the title was agreed to.

13 **SIGNING OF BILLS**

14 The President publicly read the title to

15 HB 1123: FOR AN ACT ENTITLED, An Act to increase the surcharge on certain hunting
16 licenses for predator control purposes, approve temporary funding provisions relating to
17 predator control, and to declare an emergency.

18 HB 1130: FOR AN ACT ENTITLED, An Act to define certain terms relating to bail
19 bonds.

20 HB 1185: FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary
21 expenses of the legislative, judicial, and executive departments of the state, the expenses of state
22 institutions, interest on the public debt, and for common schools.

23 And signed the same in the presence of the Senate.

24 There being no objection, the Senate reverted to Order of Business No. 5.

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